

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

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<i>In re:</i>)	Chapter 7
)	
Nathaniel D. Peterson,)	
)	
<i>Debtor.</i>)	Case No. 22-33622-KLP
<hr/>)	
)	
CoStar Realty Information, Inc.,)	
)	
<i>Movant,</i>)	
)	
v.)	Contested Matter
)	
Nathaniel D. Peterson &)	
Lynn L. Tavenner, Esq., Chapter 7 Trustee,)	
)	
<i>Respondents.</i>)	
<hr/>)	

CONSENT ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE A COMPLAINT SEEKING
A DETERMINATION OF NONDISCHARGEABILITY

This matter is before the Court on the *Motion For Extension Of Time To File A* filed on March 1, 2023 (the “Motion”; ECF No. 23¹) by CoStar Realty Information, Inc. (“CoStar”), seeking relief pursuant to 11 U.S.C. §§ 105(a) and 523 and Rules 4007, 9006, 9013, and 9014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Local Rule 9013-1 of the Local Rules for the U.S. Bankruptcy Court for the Eastern District of Virginia (the “Local

¹ Unless stated otherwise, capitalized terms not defined in this Order shall have the meaning ascribed to them in the Motion.

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Rules”), as further described in the Motion; and the Court having jurisdiction to consider the Motion and relief requested under 28 U.S.C. §§ 157 and 1334; and that the Court may enter this Order on a final basis under Article III of the U.S. Constitution; and in consideration that the Motion and relief requested presents a core proceeding under 28 U.S.C. § 157(b); and due and proper notice of the Motion having been provided; and no other or further notice needing to be provided; and, the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein, which relief is fair and equitable; and upon the evidentiary record for all of the proceedings had before the Court, and after due deliberation and sufficient cause appearing therefor;

THE COURT HEREBY ORDERS AS FOLLOWS:²

1. The relief requested by CoStar in the Motion is GRANTED, as modified and set forth in this Order.
2. The current deadline of March 27, 2023 by which CoStar is required to file with the Court a complaint seeking a determination of nondischargeability as to a debt in this chapter 7 bankruptcy case is EXTENDED through and including Friday, April 28, 2023 (the “Revised § 523 Deadline”).
3. The Revised § 523 Deadline pertains to any and all claims, whether for injunctive relief or monetary damages, that CoStar may hold arising from, in connection with, and/or related to any of the Debtor’s debts due and owing to CoStar, regardless of whether those claims were included in any relief issues by the Arbitrator in the AAA Award.
4. Nothing in this Order requires that CoStar must file a complaint seeking a determination of nondischargeability of a debt.

² Where appropriate, conclusions of law shall be construed as findings of fact, and findings of fact shall be construed as conclusions of law. See Fed. R. Bankr. P. 7052.

5. On March 10, 2023, the Debtor, through counsel, filed with the Court the “*Debtor’s Response In Opposition To CoStar Realty Information, Inc’s Motion To Extend Time*” (the “Debtor Objection”; ECF No. 26), in which the Debtor opposed and objected to CoStar’s Motion and the relief requested in the Motion. As indicated by the consent and the endorsement of the Debtor’s counsel to this Consent Order, the Debtor has withdrawn the Debtor Objection, subject to the terms of this Consent Order, and the Debtor does not oppose or otherwise object to the modified relief granted in this Consent Order. Any other objections to the relief sought in the Motion and granted in this Order that have not been adjourned, overruled, withdrawn, or resolved are OVERRULED and DENIED in all respects on the merits.

6. All parties’—including CoStar, the Debtor, the Chapter 7 Trustee, and/or any other party-in-interest—rights, claims, remedies, and defenses are preserved, including, without limitation, those in connection with 11 U.S.C. § 523(a). Nothing in this Order shall prejudice (A) CoStar’s rights, claims, and defenses to seek a further or additional extensions of the Revised § Deadline and the deadline to file complaints seeking a determination of nondischargeability as to any debts owed by the Debtor to CoStar; and (B) the Debtor’s rights, claims, and defenses to object to or oppose further or additional requests by CoStar to extend the Revised § 523 Deadline. CoStar’s and the Debtor’s respective rights, claims, and defenses regarding further extensions of CoStar’s deadline to file a complaint seeking the determination of nondischargeability of any debt are expressly reserved and preserved.

7. This Order and the relief authorized and granted by this Order shall be binding upon any successor trustee appointed in this chapter 7 bankruptcy case, and also binding on any party, including a chapter 13 trustee, in the event that this chapter 7 bankruptcy case is converted to a case proceeding under a different chapter of the Code.

8. This Court shall retain exclusive jurisdiction with respect to any dispute arising under, arising from, or related to this Order, and the implementation and interpretation of its terms.

9. Any stay that would otherwise delay the effectiveness of this Order is hereby WAIVED, and this Order shall be effective immediately upon entry on the Court's Docket.

DATED: Mar 16 2023

/s/ Keith L Phillips
U.S. BANKRUPTCY JUDGE

ENTERED ON DOCKET: Mar 16 2023

I Ask For This:

/s/ James Donaldson
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Seen And Agreed:

/s/ Stephen L. Flores (by James Donaldson, with permission via e-mail on March 14, 2023)
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LOCAL RULE 9022-1(C) CERIFICATION

Pursuant to Local Bankruptcy Rule 9022-1(C), I hereby certify that the foregoing proposed order has been endorsed by, or served on, all necessary parties.

/s/ James Donaldson

PARTIES TO RECEIVE COPIES:

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